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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

REFAI, RAMSEY

ART UNIT PAPER NUMBER

2152

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/858,355

Applicant(s)

NDILI ET AL.

Examiner

Ramsey Refai

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/09/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

RD

## **DETAILED ACTION**

### ***Response to Amendment***

Responsive to Request for Continued Examination (RCE) filed September 9, 2005.

Claims 1 and 7 have been amended. Claims 1-12 remain pending examination.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the data" in line 16. It is not clear which data this is referring to. The limitation "data" in line 8 is retrieved along with instructions based on card identification. Also in line 13, the limitation "data" is created in real time and is corresponding to the network event and content. The use of the limitation "data" in multiple instances throughout the claim had rendered the claim indefinite and unclear.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lonnroth et al (U.S. Patent No. 6,826,597).

5. As per claim 1, Lonnroth et al teach a method for creating content for a mobile device, the method comprising:

receiving, by a content engine, a wireless communication from the mobile device that includes a card representing a URL and an identifier of the mobile device, wherein the content engine is adapted to signal a database management system for an identification for the card; retrieving instructions and data, based on the card identification, for assembling the content available on the URL; creating, in real time, data corresponding to the network event and the content into a wireless format for the mobile device; and transmitting the data, in a wireless protocol to the mobile device (**column 1, line 35-column 2, line 35, column 5, line 8-50**).

6. As per claim 2, Lonnroth et al teach wherein the content engine signals the database management system over a network (**column 5, line 8-45**).

7. As per claim 3, Lonnroth et al teach wherein the selected instructions are based on the identification of the card provided to the database management system (**column 5, line 8-45**).

8. As per claim 4, Lonnroth et al teach wherein the instructions are configured for the URL based on the card identification (**column 5, line 8-45, column 2, line 25-35, column 1, line 35-47**).

9. As per claim 5, Lonnroth et al teach wherein the content engine reformats the network event or content into a wireless format (**column 5, line 8-21, element 202 in Figure 2**).

10. As per claim 6, Lonnroth et al teach wherein the network event or content is formatted for a display of the mobile device (**column 5, line 8-45, column 1, line 35-column 2, line 35**).

11. As per claim 7, Lonnroth et al teach a method for providing network events and content to a mobile device, the method comprising:

having a content engine receive a card from a user of mobile device specifying a network site; retrieving instructions for the specified network site from a database management system; accessing the network site using the retrieved instructions; having the content engine access a user-database to determine if user-defined parameters exist for the network site; having the content engine, combine instructions and parameters to access the network site and retrieve network events and content; having the content engine create, in real time, the network event from an IP protocol to a wireless protocol; having the content engine paginate the network event or content for the mobile device; and transmitting the network event or content to the mobile device (**column 1, line 35-column 2, line 35, column 5, line 8-50**).

12. As per claim 8, Lonnroth et al teach wherein the user-defined parameters are provided by a user of the mobile device (**column 10, lines 1-13, column 5, line 8-45**).

13. As per claim 9, Lonnroth et al teach wherein the user-defined parameters affect how the content engine selects and accesses the network event for the mobile device (**column 10, lines 1-13, column 5, line 8-45**).

14. As per claim 10, Lonnroth et al teach wherein the user-defined parameters affect how the content engine delivers the network event to the mobile device (**column 10, lines 1-13, column 5, line 8-45**).

15. As per claim 11, Lonnroth et al teach wherein the user-defined parameters are stored in a user database and maintained in accounts (**column 10, lines 1-13, column 5, line 8-45**).

16. As per claim 12, Lonnroth et al teach wherein the accounts are configurable to include preferred parameters (**column 10, lines 1-13, column 5, line 8-45**).

***Response to Arguments***

17. Applicant's arguments with respect to claims 1 and 7 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Greer et al (U.S. Patent No. 6,247,048)
- b. Lee et al (U.S. Patent No. 6,336,137)


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai  
Examiner  
Art Unit 2152

  
September 21, 2005

  
JOHN FOLLANSBEE  
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